

**Harpswell Planning Board Meeting
Minutes of July 21, 2004**

Approved 8-18-04

Attendance: *Present:* Sam Alexander – Chairman, John Papacosma – Vice Chairman, Dee Carrier, James Carignan, Joanne Rogers and Henry Korsiak - Associate. Noel Musson – Town Planner, Jay Chace – Town Planner and Amy E. Ferrell – Planning Assistant were also in attendance.

Introductions and Pledge of Allegiance - The meeting had been advertised in the Times Record and recorded. Chairman Alexander called the meeting to order at 6:30 pm, introduced above Board members and staff, and led the pledge of allegiance.

Review of Agenda and Procedure - Chairman Alexander reviewed general Board procedures and the agenda for the evening.

Approval of Minutes - The Board reviewed the minutes of 6/16/04. **Motion – To approve the minutes of June 16, 2004 with amendments. (Motion by Rogers and seconded by Papacosma; carried 4-0; Carrier abstaining)**

Site Visit Review - Chairman Alexander reported that on Monday, July 19, Joanne Rogers, Dee Carrier, John Papacosma, and himself along with Town Planner Jay Chace visited the property of Barbara & Linda Lee Barton for Kim's Seafood Shack and the property of Richard Griffin.

04-07-01 Richard Griffin, Reconstruction of Non-Conforming Structure; Replace Existing Mobile Home with a New Mobile Home and Relocate the Driveway and Parking Area, Interior, Tax Map 46-120, Pinkham Point Rd., Great Island.

Dee Carrier, an abutter to the Griffin's, abstained from participating in this portion of the meeting. Chairman Alexander appointed Henry Korsiak as a voting member.

Applicant Presentation – Richard Griffin stated there is currently a 12' x 50' mobile home on the property and has been there for the last 35 years. Mr. Griffin would like to replace the existing mobile home with a new 14' x 60' mobile home. Mr. Griffin stated that the new mobile home would be located an additional two feet back into the property due to the increased size of the mobile home; he cannot move it back further due to the location of an artesian well, an outside pump house, utility pole, and a natural drainage ditch behind the mobile home. The road frontage would remain the same. Mr. Griffin also proposes to move the driveway to the south of the mobile home moving it away from the traveled way.

Public Comment – Dee Carrier stated that her and her husband are in full support of Mr. Griffin's proposal.

Board Review and Discussion – Papacosma clarified with the applicant that his intention was to reseed the area of the old parking lot. Mr. Griffin stated that was his intention. Chairman Alexander stated the Board needed to review section 10.3.2.2 and 10.3.2.3 of the Basic Land Use Ordinance. Chairman Alexander stated the lot size is small, non-conforming, and grandfathered; the land is basically level with the exception of a large drainage ditch which drains a large area from across the street and across this lot; location of well and utility pole were discussed by the applicant as well as a storage shed that would not affect the location of the new mobile home; the septic tank is located on site and pumped to a new system (2 years old) located on an adjacent lot also owned by the applicant; there is no proposed removal of vegetation, the only earth moving will be the placement of culverts and filling in with gravel the new parking area and driveway. Papacosma stated when reviewing the requirements of the ordinance, after visiting the site, he noted the size of the lot is limited, the slope of the land is relatively flat with the exception of the drainage ditch behind the mobile home, with the location of other structures there is no room for trying to move the proposed location, and would find there is no room to make the location more conforming. Rogers concurs with Papacosma.

Motion – The Board approves the proposal because it meets the setbacks to the greatest practical extent following the criteria as outlined in Section 10.3.2.3 in the Basic Land Use Ordinance. (Motion by Carignan and seconded by Chairman Alexander; carried 5-0)

04-07-02 Nancy-Ann Barton-Dietlin (Kim's Seafood Shack), Site Plan Review; Operate a Seasonal Take-Out Concession Stand, Shoreland Residential/Interior, Tax Map 1-5, Skolfield Place, Harpswell.

Chairman Alexander abstained from participating in this portion of the meeting and turned the meeting over to John Papacosma. Dee Carrier was reinstated as a voting member. Chairman Papacosma appointed Henry Korsiak as a voting member.

Applicant Presentation – Nancy-Ann Dietlin stated she was before the Board to get authorization to re-open Kim's Seafood Shack and that she believes that she is in compliance with the Ordinance. Ms. Dietlin stated she has parking for six vehicles which is in compliance with the distance from the State road (Route 123), property line setbacks, and the Ordinance requirements.

Public Comment – None.

Board Review and Discussion – Chairman Papacosma stated the Board would be reviewing Section 15 of the Site Plan Review and the dimensional standard of the Basic Land Use Ordinance.

15.1. Dimensional Requirements

Chairman Papacosma stated that Kim's Seafood Shack is movable and the dimensions are 16 ½' x 8 ½'. The proposed parking area will handle a minimum of six cars and that access to this would be off Route 123. Chairman Papacosma asked the applicant what the site lines distance is from the south and north. Ms. Dietlin stated that to the north is 450' and to the south is over 600'. ***Motion – The Board finds the proposal meets the dimensional requirements of section 15.1. (Motion by Rogers and seconded by Carrier; carried 5-0)***

15.2. Utilization of the Site

Chairman Papacosma stated the proposed use is an allowed use in the interior zone. The site will be on a .5 acres of an existing 20 acre lot. Planner Musson stated that historically the proposed site has been used for other types of small concession, such as apples and farm goods. ***Motion – The Board finds the application meets the requirements of 15.2 regarding the Utilization of the Site. (Motion by Carignan and seconded by Korsiak; carried 5-0)***

15.3. Adequacy of Road System

Chairman Papacosma stated the site is located off Route 123. ***Motion – The Board finds that the plan of the road system as presented fulfills the adequacy of the road system as outlined in section 15.3. (Motion by Rogers and seconded by Chairman Papacosma; carried 5-0)***

15.4. Access into the Site

Chairman Papacosma stated that access into the site does meet the standards of this Ordinance as it is off an existing drive which leads directly to the parking area. ***Motion – The Board finds the applicant meets the requirements of section 15.4, Access into the Site because there is an existing driveway. (Motion by Carrier and seconded by Carignan; carried 5-0)***

15.5. Access/Egress Way Location and Spacing

Chairman Papacosma stated there are clear site lines to the north and south, there are no signalized intersections within 150', and private access way off the drive is part of the application. ***Motion – The Board finds the applicant meets the standards of section 15.5 because of the clear site lines, there is no signalized intersection within 150', and because there is a private access way off an existing drive with the***

condition that the vegetation be kept cut back so that it does not interfere with clear site towards the Brunswick Town line. (Motion by Carignan and seconded by Carrier; carried 5-0) Carrier stated that at the site visit on Monday, she pulled into the parking area. When she was backing out, she said there was difficulty looking towards the Brunswick Town line because of growth along the side of the road. Carrier recommended the applicant keep that area cut back for visibility and safety reasons.

15.6. Internal Vehicular Circulation

Chairman Papacosma stated the parking area is designed for six vehicles and that there is a calculation in the Ordinance that determines the requirement for parking and the six spaces is sufficient for this proposal. Papacosma stated that when cars are parked it is important that there is sufficient space for cars to park and back out. Chairman Papacosma stated there is a separation between the parking area and the concession stand. Planner Musson suggested the parking areas perpendicular to the road be increased by approximately four feet to allow cars to park straight in and not at an angle. Ms. Dietlin stated there is enough area there that cars can be either parked straight in or at an angle. Chairman Papacosma stated the importance of having sufficient space to allow parked cars to turn around so that they would not need to back into the road to get out. ***Motion – The Board finds the proposal as presented with comments from Mr. Musson taken into consideration meets the standards under section 15.6, Internal Vehicular Circulation. (Motion by Rogers and seconded by Carrier; carried 5-0)***

15.7. Parking

Chairman Papacosma stated parking was addressed with section 15.6. ***Motion – The Board finds the proposal meets the requirements of Section 15.7 of the Site Plan Review Ordinance. (Motion by Carignan and seconded by Carrier; carried 5-0)***

15.8. Pedestrian Circulation

Chairman Papacosma stated there is a walkway which flows from the parking area to the concession stand to provide safety for the pedestrians. ***Motion - The Board finds the applicant meets the requirements of section 15.8, Pedestrian Circulation. (Motion by Carrier and seconded by Carignan; carried 5-0)***

15.9. Stormwater Management

Chairman Papacosma stated there are no plans to disturb the natural flow of runoff from the site. ***Motion – The Board finds the applicant meets the requirements of section 15.9, because the applicant will not be disturbing the natural flow of the stormwater runoff. (Motion by Carrier and seconded by Carignan; carried 5-0)***

15.10. Erosion Control

Chairman Papacosma stated there are no plans to disturb any soils on site. ***Motion – The Board finds the proposal meets the requirements of section 15.10 because there are no significant changes that would impact erosion being proposed. (Motion by Carignan and seconded by Carrier; carried 5-0)***

15.11. Water Supply and Groundwater Protection

Chairman Papacosma stated there is an existing well and the use is limited to the seasonal use of the concession stand. Ms. Dietlin stated she is not hooked up to use the water. Planner Musson stated there is an existing well at the farm which could potentially be hooked up seasonally. ***Motion – The Board finds the applicant meets the requirements of section 15.11, Water Supply and Groundwater Protection due to the fact that even though there is an existing well, the applicant will not be using it. (Motion by Carrier and seconded by Carignan; carried 5-0)***

15.12. Subsurface Waste Disposal

Chairman Papacosma stated the only waste is gray water that will be disposed of at the farm. ***Motion – The Board finds the proposal meets the standards of section 15.12. (Motion by Carignan and seconded by Carrier; carried 5-0)***

15.13. Utilities and Essential Services

Chairman Papacosma stated there is a utility line buried below the frost line running from the farm to the

concession stand. ***Motion – The Board finds that the proposal meets the requirements of section 15.13, Utilities and Essential Services. (Motion by Rogers and seconded by Carrier; carried 5-0)***

15.14. Natural Features and Buffering

Chairman Papacosma stated the proposal is not expected to change the site as it currently exists. ***Motion – The Board finds the application meets the requirements of section 15.14 with the condition that the vegetation along the road be cut back from impairing the site lines. (Motion by Carignan and seconded by Carrier; carried 5-0)***

15.15. Lighting

Chairman Papacosma stated there is no lighting proposed, operation of the concession stand will be during day light hours. ***Motion – The Board finds that since the proposal will not be open after dark; and there is no lighting proposed that the applicant meets the requirements of this section. (Motion by Carignan and seconded by Carrier; carried 5-0)***

15.16. Water Quality Protection

Chairman Papacosma stated the gray water will be collected and disposed of and there will be no other use of water. Chairman Papacosma also stated the applicant does have a license from the State to operate the proposed establishment. ***Motion – The application meets the requirements of section 15.16. (Motion by Chairman Papacosma and seconded by Carignan; carried 5-0)***

15.17. Hazardous, Special, and Radioactive Materials

Motion – The Board finds the applicant meets the requirements of section 15.17 because there will be no hazardous, special, or radioactive materials stored on site. (Motion by Carrier and seconded by Korsiak; carried 5-0)

15.18. Solid, Special, and Hazardous Waste Disposal

Chairman Papacosma stated the applicant will be taking the solid waste to the recycling center, there will be no special or hazardous waste created. ***Motion – The Board finds the proposal meets the standards of section 15.18. (Motion by Rogers and seconded by Carrier; carried 5-0)***

15.19. Historic and Archaeological Resources

Chairman Papacosma stated this proposal will not have an effect on the Merriconeag Barn which is listed on the National Register of Historical Places. ***Motion – The Board finds the applicant meets the requirements of section 15.19. (Motion by Carignan and seconded by Rogers; carried 5-0)***

15.20. Floodplain Management

Chairman Papacosma stated the structure is not in a flood zone. ***Motion – The Board finds the application meets the requirements of section 15.20 because it is not in the flood plain zone. (Motion by Carignan and seconded by Korsiak; carried 5-0)***

15.21. Technical and Financial Capacity

Chairman Papacosma stated the applicant intends to self finance the project. ***Motion – The Board finds the applicant meets the technical and financial capacity of section 15.21. (Motion by Rogers and seconded by Carignan; carried 5-0)***

Motion – The Board finds the applicant has met the requirements of section 15 of the Site Plan Review Ordinance and that the proposal is approved. (Motion by Carrier and seconded by Rogers; carried 5-0)

04-07-03 Bruce Martinson, Dirigo Land Services for John Moore, Preliminary Subdivision Review; Create 10-12 Two Acre Lots, Shoreland Residential, Tax Map 12-188, Shore Acres Road, Harpswell.

Applicant Presentation – Mr. Martinson, Dirigo Land Services, presented the Board with a site plan of the entire property purchased by the Moore's, showing the location of each of the lots being proposed. Each lot meets the minimum lot size of 80,000 sq. feet. Test pits have been done for every lot; however, the plan does not show the test pit for lot three which wasn't available before the plan went to print. Mr. Martinson introduced Mr. Moore. John Moore reviewed his proposed vision for "Kalm Harbour". First they would like to create a waterfront vacation retreat, maintaining the established natural environment. The property has two existing cabins which they would like to rent. Second, they would like to promote a year round conference center. The property currently has a large stable that they would like to turn into a conference center for weddings, town conferences, etc. Third, Mr. Moore stated that to help pay for the property, they are creating 12 two acre housing sites. Mr. Moore stated he is not calling this a subdivision; these are housing lots coming off town roads that will have driveways onto the town road. These sites would have a right-of-way to the shore. Mr. Moore reviewed the details of the property and submitted photographs to the Board.

Board Review and Discussion – Mr. Martinson asked the Board if he could submit a 60' scale rather than the 50' scale, in order to have the whole plan fit on two sheets. Chairman Alexander stated he would not have a problem with 60'. Papacosma asked Mr. Martinson what he was proposing for contour lines. Mr. Martinson and the Board discussed contour lines for the topography of the property and Chairman Alexander stated he would not want to see anything larger than 5' interval lines. Chairman Alexander asked if the applicant had considered alternative lot size and cluster subdivision. Mr. Martinson stated they discussed cluster housing briefly; however, individual septic systems are preferred by most property owners over the common septic system. Also, Mr. Martinson noted that the amount of land to be used for cluster housing verses a traditional subdivision would be about the same size. Chairman Alexander stated a goal of the Planning Board is to preserve open spaces and would recommend Mr. Martinson and Mr. Moore look into this and do a layout under this scenario. Mr. Moore stated that one of the attributes that they wanted to keep of the property is the undeveloped wildlife habitat. Chairman Alexander stated that by looking at cluster homes there would be more area to preserve. Papacosma supports preserving as much of the natural state as possible. Chairman Alexander stated that if soils are not found suitable for a common septic system or adequate water supply, the cluster home issue would be mute. Carignan also encouraged Mr. Martinson and Mr. Moore to look into cluster houses. Mr. Moore stated the land behind the proposed house lots is very hilly, rocky, two natural wetlands, and a waterfall that feeds into a cranberry bog. The proposed lots were configured the way they are so that each lot would own rights to their own septic. Mr. Martinson stated that they could look into restricting the development of each lot. Planner Musson stated it is helpful for the Board to see the actual building envelop and not just the two acre lot.

Public Comment – Tyler Robinson asked the Board how they look at turning a private recreational facility into a community one. Planner Musson stated that was not a part of this proposal tonight. The Board would have to look at a proposal of that nature at a different hearing.

Spike Haible, resident and Executive Director of the Harpswell Heritage Land Trust, commented on covenants and deed restrictions mentioned by Mr. Moore and how hard they are to enforce without a good plan for enforcement. He recommended to Mr. Moore that he have a good plan for enforcement. Also, Mr. Haible stated that the Planning Board and Town needs to look at open space and preserving it for habitat. He pointed out a large block of open space to the north of Mr. Moore's property.

Mr. Loyd Thompson, property abutter, expressed his concern over the sharp turn on Thompson Road and extra travel on the road could pose a problem. Mr. Thompson also stated that some areas of the road can get very wet and would probably need more drainage.

Jane Gregory expressed concern over the driveway which is very narrow and approximately 30-40 feet from her parent's home which could create excess noise. Her concerns would be the additional use of

the road. Mr. Moore explained that the driveway would be used for his own residence. The new property owners would have a deeded walking right-of-way only. Ms. Gregory stated if Mr. Moore wanted to expand the width of the road he would have problems with the pond.

Board Review and Discussion – Carignan asked if there was adequate water supply. Mr. Martinson stated there are seven wells on the property now and will supply the necessary paperwork from a certified geologist to state that there is adequate water. Planner Musson informed the applicant that the Board will be reviewing section 9 of the Subdivision Ordinance when they come back for final approval; including the impacts on the public roads. Chairman Alexander stated that the concerns Mr. Thompson brought up are areas the Planning Board will be reviewing. Mr. Martinson stated Mr. Thompson's concerns are valid. There will be only two lots beyond the turn Mr. Thompson mentioned. Mr. Martinson anticipates the daily use from the subdivision lots would only be lots 1 & 2. Thompson road is a Town road, and he doesn't know what rights he or Mr. Moore would have in improving the situation and feels they've done the best they can laying down the actual lay out of this road on top of the existing travel way. Mr. Martinson stated when the Town accepted Thompson road as a Town road no pins were placed. Planner Musson stated Planner Chace will need to do some research to determine what the applicant's right or ability to do any work to Thompson road and then what responsibility does the applicant have to do any work.

Other Board Business:

Review Codes Enforcement Office Minor Site Plan Amendment Approval for Harpswell Community Television Studio, proposed 16' x 13' shed and 16' x 6' deck.

Planner Musson stated this was a new provision under the Site Plan Review Ordinance that allows the Codes Office to determine whether or not something is a minor site plan amendment; however, it does require the Planning Board to review it. David Chipman clarified that the 16' x 6' deck proposed is actually a loading dock. Chairman Alexander clarified the TV Studio is on Town property. Planner Musson stated that after the Planning Board makes its findings this proposal would need to go before the Board of Selectmen. **Motion – The Board reviewed the memo from the Codes Office and affirms the accuracy of the minor site plan amendment and their recommended action. (Motion by Carignan and seconded by Carrier; carried 5-0)**

Planners Updates- Planner Musson expressed his gratitude to the Planning Board for the past couple of years and how much he has enjoyed working with the Board. Chairman Alexander thanked Mr. Musson for his good, professional work and the help he provided to the Board.

Planner Musson encouraged the Board to meet on a quarterly basis outside of regular Planning Board meetings to work on Planning and Ordinance changes. He also recommended the Board take some time after each meeting to debrief and discuss difficult issues, continue to take advantage of available training, and find time to review notice of decisions.

The Board and Planner's discussed subdivisions, cluster houses, and open spaces. Planner Chace will get the Board an example of the Freeport Open Space Subdivision Ordinance which addresses cluster houses.

The Board unanimously voted to adjourn at 8:40 pm.

Respectfully submitted,

Amy E. Ferrell
Planning Assistant